



City Charter

PREAMBLE

We, the people of Cedar Park, Texas, in order to provide for the future progress of our City, establish and maintain a system of self-government based on sound fiscal and operational methods, insure equal protection and treatment for all persons and secure fully the benefits of our location and environment, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas; and we do hereby declare the citizens of the City of Cedar Park, Williamson and Travis Counties, residing within the legally established boundaries of said City, to be a political subdivision of the State of Texas incorporated forever under the name of the “City of Cedar Park” with such powers, rights and duties as herein provided.

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ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 Form of Government

The municipal government provided by this Charter shall be known as the “City Council-Manager Government.” Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State and by this Charter, all powers of the City of Cedar Park (“City”) shall be vested in an elective council, hereinafter referred to as the “Council.” The Council shall enact local legislations, adopt budgets, determine policies and appoint the City Manager. The City Manager shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution or the statutes of the State.

SECTION 1.02 Boundaries

The bounds and limits of the City are hereby established and described as being those boundaries established in the original incorporated proceedings of the City, filed of record on February 24, 1973 in the office of the Clerk of the County of Williamson, County, Texas and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City.

SECTION 1.03 Extension of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated and in accordance with a municipal annexation plan where required:

- (a) Extending Limits in Accordance with Chapter 43 of the Texas Local Government Code, as now or hereafter amended:

Where such additional territory adjoins the corporate limits of the City such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in Chapter 43 of the Texas Local Government Code, as now or hereafter amended.

- (b) Annexation of Lands on Petition of Owners:

A voluntary annexation by petition of the land owners whose land is contiguous and adjacent to the City’s corporate limits will, in accordance with an ordinance adopted by the City, establish appropriate rules and procedures for annexation. If the Council grants such petition, it may by proper ordinance receive and annex such territory as a part of the City.

- (c) Annexation by Amendment to Charter:

The boundary limits of the City may be fixed and additional territory added or annexed thereto by amendment to the City Charter.

(d) Extending Limits by Action of the Council:

The Council shall have power by ordinance to fix the boundary limits of the City and to provide for the extension of the boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the residents or the owners of the territory annexed.

(e) Annexation by Any Other Method Provided by Law:

Additional territory may be annexed into the City in any manner provided by law or in such manner as shall be provided by ordinances or resolutions of the Council. This shall be in addition to the methods hereinabove provided.

(f) Annexed Territory to Become Part of the City:

Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and the land and its residents and future residents shall be provided all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Amended May 12, 2012.

SECTION 1.04 Contraction of Boundaries

Whenever there exists within the corporate limits of the City any territory lying adjacent to the corporate limits which is not suitable or necessary for City purposes, the Council may, upon a nonbinding petition signed by a majority of the qualified voters residing in such territory or without any such petition by ordinance duly passed, remove the territory as a part of the City. The petition and ordinance shall specify accurately the metes and bounds of the territory sought to be removed from the City and shall contain a plat designating such territory so that it can be definitely ascertained. When such an ordinance has been duly passed it shall be entered upon the minutes and records of the City and the territory and the inhabitants thereof shall cease to be a part of said City. At least thirty (30) days prior to the Council's consideration of any ordinance which would remove a territory as a part of the City, the Mayor shall have published an announcement that the territory has been determined to be not suitable or necessary for City purposes and shall include in the announcement the bases and reasons for such determination.

ARTICLE II POWERS OF CITY

SECTION 2.01 General

The City shall have all of the express and implied powers available to cities by the Constitution and laws of the State of Texas.

Amended May 8, 2010.

SECTION 2.02 General Powers Adopted

The City shall have, and may exercise, all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended; with exclusions or alterations that may be specifically included in this Charter.

SECTION 2.03 Eminent Domain

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State. This power of eminent domain shall include the right of the City to take the fee in land so condemned and shall include the right to condemn public property for such purposes as provided by the statutes of the State of Texas. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter. The City shall be required in all instances to pay, as a minimum, the appraised value for tax purposes at the time public notice is given of the condemnation proceedings.

SECTION 2.04 Zoning in General

The Council shall have the full power and authority to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in cities by State statutes.

ARTICLE III CITY COUNCIL

SECTION 3.01 Number, Selection and Term

The Council shall be composed of the Mayor and six (6) Council Members. The Mayor and all Council Members shall be elected from the City at Large and each Council Member shall occupy a position on the Council, such positions being numbered one (1) through six (6) consecutively. The Mayor and Council Members shall be elected in the manner in Article V of this Charter to serve for two (2) year terms. The Mayor, Council Member Place Two (2), Council Member Place Four (4), and Council Member Place Six (6) shall be elected in the even years. Council

Member Place One (1), Council Member Place Three (3), and Council Member Place Five (5) shall be elected in the odd years.

SECTION 3.02 Qualifications

In addition to any qualifications prescribed by law, the Mayor and each Council Member shall meet the conditions of **SECTION 5.02** while in office, and shall reside within the City while in office.

SECTION 3.03 Judge of Election Qualifications

The Council shall be the final judge of all elections and of qualifications of its members and any other elected officials of the City.

SECTION 3.04 Compensation

Council Members shall serve without compensation. However, they shall be entitled to all expenses incurred in the performance of their official Council duties upon approval by the Council.

SECTION 3.05 Mayor and Mayor Pro Tem

The Mayor shall be the official head of the City Government, and shall work with the City Manager with assistance from the City Secretary and other City staff members, as required, in preparing agendas for the Council meetings. The Mayor shall preside at all meetings of the Council, shall sign all ordinances, orders, resolutions, statements, agreements, conveyances, plats, instruments, and documents, authorized or enacted by the Council. The Mayor shall vote on all issues, proposals, questions, and motions which require Council votes. The Mayor shall not have the power to veto or modify any ordinance adopted by the Council and shall not, in any way, neutralize or negate any action of the Council. The Mayor shall be recognized as the head of City government for all ceremonial purposes and shall be responsible for providing initiative and guidance in the orderly management and growth of the City.

The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor, and, in this capacity, shall have the rights conferred upon the Mayor.

SECTION 3.06 Vacancies, Forfeiture, Filling of Vacancies

(a) Vacancies:

The office of a Council Member or office of the Mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) Forfeiture of Office:

If the Mayor or any Council Member:

- (1) Fails to maintain the qualifications as required in **SECTION 3.02** and **SECTION 5.02** herein;
- (2) Violates any expressed prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude; or
- (4) Fails to attend three (3) consecutive Regular Council Meetings without being excused by the Council,

the Council shall, at its next regular meeting, after validation of any of the above, declare the office to be vacant and shall fill such vacancy as set forth in Subsection (c) below.

(c) Filling of Vacancies:

A single vacancy in the Council shall be filled within thirty (30) days of the occurrence of the vacancy, by a majority of the remaining members of the Council by the appointment of a person qualified for the position as described in this Charter. This appointee shall serve until the position is filled at the next regular City election. When more than one vacancy shall develop at any time, a special election shall be called by the Council within thirty (30) days following the occurrence of the vacancies to fill the vacancies in the same manner as described herein for regular elections. However, if the vacancies occur within 120 days of a regular election, then no special election shall be called and the remaining Council Members shall appoint qualified persons to fill vacancies until the regular election. Notwithstanding the requirement in **SECTION 3.10**, if at any time the membership of the Council is reduced to less than four (4), the remaining members may by majority action appoint additional members to raise the membership to four (4). These appointees shall serve until the positions can be filled at the next regular or special City election. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.

SECTION 3.07 General Powers and Duties

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

SECTION 3.08 Prohibitions

(a) Holding Other Office:

No Mayor or Council Member shall hold any other City office or City employment during his term as Mayor or Council Member and no former Mayor or Council member shall hold any compensated appointive City office or City employment until one (1) year after the expiration of his term as Mayor or Council Member.

(b) Appointments and Removals:

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration:

Except for the purpose of inquiries and investigations under **SECTION 3.16**, the Council shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Neither the Council or its members shall give orders to or in any way exercise the influence of their office on such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.09 Meetings of Council

The Council shall hold at least two (2) regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City. The Council shall fix, by ordinance, the days and time of the regular meetings. Special and emergency meetings of the Council shall be held on the call of the Mayor or a majority of the Council Members. All regular, special and emergency meetings of the Council shall be held in accordance with Chapter 551 of the Texas Government Code ("The Open Meetings Act") as hereafter amended.

Amended May 12, 2012.

SECTION 3.10 Quorum

Four (4) Council Members shall constitute a quorum for the purpose of transacting City business, and no action of the Council, except as provided in **SECTION 3.06**, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the Council.

SECTION 3.11 Rules of Procedure

The Council shall, by resolution, determine, adopt and amend its own rules, procedures and order of business. The rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

Amended May 12, 2012.

SECTION 3.12 Voting

The Council shall provide for minutes to be taken and recorded of all meetings, except those meetings held in executive session. Such minutes shall be a public record. The Council may determine its own rules for voting not inconsistent with State law. Any Council Member may require a roll call vote before a vote is taken.

Amended May 8, 2010.

SECTION 3.13 Ordinances in General

No ordinances except emergency ordinances shall be finally passed until they have been read on two (2) separate days not less than 72 hours apart. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such meeting

The enacting clause of all ordinances shall be:

“Be it ordained by the City Council of the City of Cedar Park, Texas”.

All ordinances which levy a fine or penalty and those which deal with the budget, taxes, franchises, public utilities or the setting of their rates shall be read at two (2) regular meetings followed by publication in full or by caption in at least one (1) issue of the official newspaper of the City before the same shall become effective.

SECTION 3.14 Emergency Ordinances

To meet a public emergency affecting life, property, or the public peace, the Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. The Council shall not authorize the borrowing of money, except as provided in **ARTICLE VIII, SECTION 8.06**. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. Such emergency clause shall require the affirmative vote of four (4) members of the Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of four (4) members of the Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

SECTION 3.15 Bonds for City Employees

The Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of such bonds shall be determined by the Council and the cost thereof shall be borne by the City.

SECTION 3.16 Investigative Body

The Council shall have the power to adopt ordinances permitting the City Council to inquire into the official conduct of any department, agency, officer or employee of the City and permitting the Council to subpoena witnesses, administer oaths, and compel the appearance of witnesses and the production of books, papers, records and other evidence material to a specific inquiry. Such ordinances adopted by the Council shall include provisions for penalties for contempt in failing or refusing to obey orders issued by the Council as authorized by such ordinances; and such ordinances shall provide for punishment for any such contempt in a manner provided by such ordinances.

ARTICLE IV ADMINISTRATIVE SERVICE

SECTION 4.01 City Manager

(a) Appointment and Qualifications:

The Council, by a majority vote, shall appoint a City Manager. The method of selection shall be left to the discretion of the Council so long as the method insures orderly, non-partisan action in securing a competent and qualified person to fill the position. The City Manager shall be chosen upon the basis of executive and administrative training, experience and ability. The City Manager does not need to be a resident of the City when appointed. However, within a reasonable period of time after the appointment, shall reside within the City during employment. The City Manager shall be bonded in an amount of not less than one hundred thousand dollars (\$100,000.00) and the cost thereof shall be borne by the City.

(b) Compensation:

The City Manager shall receive compensation as may be fixed by the Council according to experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the Council may change it at its discretion.

(c) Term and Removal:

The City Manager shall not be appointed for a definite term but may be removed at the discretion of the Council, by a vote of the majority of the Council. The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

(d) Powers and Duties:

The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power to:

- (1) See that all federal, State, and local laws and ordinances are effectively enforced.
- (2) Appoint, suspend or remove all or any one of the directors of departments, assistant City managers and City employees except as otherwise provided in this Charter.
- (3) Attend all meetings of the Council except when excused by the Council.
- (4) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.
- (5) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (6) Submit to the Council a monthly budget summary and keep the Council advised of the financial condition and future needs of the City and make recommendations as may seem advisable.
- (7) Make reports as the Council may require concerning the operation of City departments, offices and agencies subject to his direction and supervision.
- (8) Perform duties prescribed by this Charter and duties required of him by the Council.
- (9) Insure that all public records are accessible to the public and available upon request.
- (10) To have all such additional authority not inconsistent with the City Charter to carry out the duties reasonably necessary of a City Manager.

(e) Acting City Manager:

The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, approved by the Council, to perform the duties of the City Manager in his absence or disability. No member of the Council shall serve as Acting City Manager.

Amended May 8, 2010.

SECTION 4.02 Municipal Court

- (a) There shall be established and maintained a court, designated as a "Municipal Court" of the City for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by laws of the State of Texas relative to municipal courts.
- (b) The City Manager shall appoint the Presiding Municipal Judge and any Associate Judges and recommend their compensation subject to Council approval. The Judges shall possess a current license in good standing with the State Bar of Texas.
- (c) There shall be a clerk of said court appointed by the City Manager.
- (d) The clerk of said court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and perform any and all acts usual and necessary to be performed by the clerks of courts and conducting the business thereof.

- (e) All costs, fees, special expenses and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City except as otherwise required by State Law.
- (f) The Municipal Judge and all additional Judges shall be bonded for no less than one hundred thousand dollars (\$100,000.00) and the cost thereof shall be borne by the City.

Amended May 8, 2010.

SECTION 4.03 City Attorney

The Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas, who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the Council and shall hold his office at the pleasure of the Council. The City Attorney, or such other attorneys selected by him with the approval of the Council, shall represent the City in all litigation. He shall be the legal advisor and attorney for the Council, the City and its Officers, and all of its Departments, Boards, and Commissions in all matters involving City business. The City Attorney may employ consultants on legal matters as necessary and may employ outside legal counsel subject to ratification by the Council.

Amended May 8, 2010.

SECTION 4.04 City Secretary

The City Manager shall appoint or remove the City Secretary, subject to the approval of the Council; and shall appoint or remove such Assistant City Secretaries as the Council shall deem advisable.

The duties of the City Secretary, or an Assistant City Secretary, shall be as follows:

- (a) To give notice of the Council and Board and Commissions meetings.
- (b) To keep the minutes of Council meetings.
- (c) To authenticate signature and record in full, in a book indexed for this purpose, all ordinances and resolutions.
- (d) To perform such other duties as the Council or City Manager shall assign and as elsewhere provided for in this Charter.

SECTION 4.05 Department of Police

There shall be established and maintained a department of police to maintain law and order within the City to protect the citizens from violence or threats of violence and to protect their property from damage or loss.

- (a) Chief of Police: Appointment, Qualifications and Duties

The Chief of Police shall be appointed by the City Manager, subject to the approval of the Council, for an indefinite term. The Chief of Police shall be fully responsible to the City Manager for the administration of his department. He shall, with the approval of the City Manager, appoint and remove the employees of said department and carry out enforcement of the resolutions and ordinances of the Council and perform such other duties as may be required of him by the Council. The Chief of Police shall be chosen upon the basis of his administrative training, experience and ability in the law enforcement field. He must be of good reputation, both past and present, and hold an advanced certificate issued by the Texas Commission of Law Enforcement Officers Standards and Education. The Chief of Police shall establish and maintain written rules including, but not limited to disciplinary procedures, general order, department policy, job description and dress code. This information shall be made accessible to the public.

(b) Special Police:

No person, except as authorized by general law, by this Charter or by the ordinances passed pursuant hereto, shall act as special police or special detective.

SECTION 4.06 Health and Sanitation

The Council may, by ordinance, establish health and sanitation standards for the City and may establish a Health and Sanitation Department to regulate the preparation, display, handling, sale and serving of food by any business in the City; cleanliness and other health related conditions of hotels and motels in the City; animal control; garbage and trash disposal; prevention of water stagnation; prevention of water pollution and air pollution; other situations and activities determined by the Council to have a direct relationship to the health of persons in the City. Health and sanitation ordinances approved by the Council may provide for necessary inspections to be made to identify violations of said ordinances and may provide for penalties for such violations.

Said ordinances may provide:

- (a) That required inspections shall be made by qualified employees of Williamson County Health Department, in accordance with provisions of a City-County agreement; or
- (b) That said ordinances shall be administered by the City Manager or their designee; or
- (c) That said ordinances shall be administered by a physician appointed by the Council to serve as Health Officer.

Amended May 9, 2015.

ARTICLE V NOMINATIONS AND ELECTIONS

SECTION 5.01 City Elections

- (a) Schedule: The regular City Election dates and polling locations shall be in accordance with State law.
- (b) Special Elections: The Council may, by resolution, order a special election under conditions specified elsewhere in this Charter, or for ordinances, bond issues, Charter amendments, recall or other purposes deemed appropriate by Council. The Council shall fix time and places for holding such special elections, and provide all means for holding same.
- (c) Voter Eligibility List: A certified list of voter registrants within the City, as prepared by the entity or department responsible for maintaining voter registration records pursuant to state law, shall be maintained current by the City Secretary. If, for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Secretary.
- (d) Conduct and Regulation of Elections: All City elections shall be governed by the Constitution of the State of Texas, general laws of the State, this Charter, and ordinances of the City. Municipal elections shall be conducted by the election officials appointed or approved by the Council. Sample ballots shall be posted in the voting place(s) for the purpose of voter orientation.

Amended May 9, 2015.

SECTION 5.02 Filing for Office

Eligibility to File.

Each candidate for an elective City office shall meet the following qualifications:

- (a) Shall be a registered voter of the City and at least eighteen (18) years of age.
- (b) Shall have resided within the corporate limits of the City, including territory annexed prior to the filing deadline, for at least the twelve (12) months immediately preceding the last day for filing for that elective office.
- (c) Shall have paid a filing fee of fifty dollars (\$50.00) or tendered a petition signed by the greater of twenty-five (25) qualified voters residing in the City or one-half of one percent (0.5%) of the total votes received by all candidates for Mayor in the last mayoral election, with each signatory thereto providing their printed name, residential address, date of birth, signature, and date of signing.
- (d) An incumbent seeking re-election must file for the same position number presently held.
- (e) No candidate may file for more than one office or position number per election.

- (f) No employee of the City shall continue in such position after filing for an elective office of the City.
- (g) An elected official filing for any office other than the office presently held, shall resign from such presently held office at least forty-five (45) days prior to the election.

Amended May 8, 2010.

SECTION 5.03 Official Ballots

(a) Names on Ballot

The name of each candidate for office shall be listed on official ballots in accordance with State law.

(b) Order of Listing

The order on the ballot of the names of the candidates shall be determined in accordance with State law.

(c) Absentee Ballots

Procedures for voting by absentee ballot shall be in accordance with State law.

- (d) Ballots for Ordinances, Bond Issues, and Charter Amendment, to be voted on by registered voters of the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement, approved by majority of the whole Council, describing the substance of the measure without argument or prejudice.

Below the ballot title shall appear the following question:

“Shall the above described (ordinance) (bond issue) (amendment) be adopted?”

Immediately below or to the left of such question shall appear, in the following order, the words “Yes” and “No” each with a square in which the voter may cast his vote by marking a cross (x).

- (e) Procedures for write-in votes shall be in accordance with State law.

Amended May 8, 2010.

SECTION 5.04 Canvassing

Results of municipal elections shall be canvassed in accordance with State law. The Council shall canvass the returns in accordance with Texas Election Laws. The returns of every

municipal election shall be recorded in the minutes of the Council by totals for each candidate, or, for and against each issue submitted.

Amended May 8, 2010.

SECTION 5.05 Election by Majority

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective position receives a majority vote, none of such candidates shall be elected.

SECTION 5.06 Run-Off Election

Run-off elections and recounts of election results shall be in accordance with State law.

Amended May 8, 2010.

ARTICLE VI INITIATIVE, REFERENDUM, AND RECALL

SECTION 6.01 Power of Initiative

The people of the City reserve the power of direct legislation by initiative, and in the exercise of that power, may propose any ordinance, except ordinances appropriating money, levying taxes, annexing land, pertaining to state-designated municipal governmental functions, City budget, capital programs, or emergency appropriations, or zoning ordinances or ordinances repealing ordinances appropriating money, levying taxes, annexing land, pertaining to state-designated municipal governmental functions, City budget, capital programs, or emergency appropriations, or zoning ordinances not in conflict with this Charter or the Constitution or laws of the State of Texas. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City equal in number to at least ten percent (10%) of all qualified voters of the City.

Amended May 8, 2010.

SECTION 6.02 Power of Referendum

The people of the City reserve the power of direct legislation by referendum, and in the exercise of that power, may propose any ordinance, except ordinances appropriating money, levying taxes, annexing land, pertaining to state-designated municipal governmental functions, City budget, capital programs, or emergency appropriations, or zoning ordinances not in conflict with this Charter or the Constitution or laws of the State of Texas. Any ordinance subject to referendum may be submitted to the Council by a petition signed by qualified voters of the City equal in number to ten percent (10%) of all qualified voters of the City.

Amended May 8, 2010.

SECTION 6.03 Form of Petitions

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption.

Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to, identify it, or if the ordinance has been passed by the Council, the full text of the ordinance sought to be referred shall be included in the papers.

The signatures to the initiative or referendum petitions need not be all appended to one paper, but each signer's name shall be printed and signed in ink, including the signer's residential address and such additional information to identify them as a qualified voter in the City and the State of Texas.

Before the signatures on any petition paper may be counted, one of the persons signing the petition paper, a qualified voter, shall make oath before the City Secretary or other officer competent to administer oaths, that the statements made in the affidavit are true, that each signature to the paper appended is the genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in the presence of the affiant.

Amended May 12, 2012.

SECTION 6.04 Filing, Examination and Certification of Petitions

Within thirty (30) days after an initiative or referendum petition is filed, the City Secretary shall determine whether it is properly signed by the requisite number of qualified voters. The City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in **SECTION 6.03**. In examining the petition, the City Secretary shall indicate the names of signers found not qualified. The City Secretary shall certify the results of the petition examination in accordance with State law to the Council at its next regular meeting. If the certificate of the City Secretary shows an initiative or referendum petition to be insufficient, the City Secretary shall notify the person filing the petition, and it may be amended within fifteen (15) days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as prescribed for the original petition. Within fifteen (15) days after the amendment is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it. No initiative or referendum petition shall be filed within one (1) year of a public vote on a previous petition containing the same or substantially the same language.

Amended May 12, 2012.

SECTION 6.05 City Council Consideration and Submission to Voters

If the Council receives an authorized initiative or referendum petition certified by the City Secretary to be sufficient, the Council shall:

- (a) Pass the initiated or referendum ordinance without amendment within thirty (30) days after date of the certification to the Council; or
- (b) Submit the initiated or referendum ordinance without amendment to a vote of the qualified voters of the City at a regular election, or a special election as soon as legally possible but not within ninety (90) days before a regular election, to be held within ninety (90) days after the date of the certification to the Council or as soon thereafter as permitted by the laws of the State of Texas; or
- (c) At an election as described in (b), submit to a vote of the qualified voters of the City the initiated or referendum ordinance without amendment and an alternative ordinance on the same subject proposed by the Council.

If the initiated and the alternative ordinances are both approved by a majority of the votes cast at the election, the ordinance receiving the greater number of votes shall be effective as an ordinance of the City; the other ordinance shall be considered rejected and shall not be effective. If the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon reconsideration the ordinance is not repealed within thirty (30) days, it shall be submitted to the qualified voters of the City at a regular or special election to be held not more than ninety (90) days after the date of the certification to the Council or at the earliest time thereafter permitted by law.

Special elections on initiated or referred ordinances shall be held when necessary as permitted by State law. No ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within one (1) year from the date of that election.

Amended May 12, 2012.

SECTION 6.06 Results of Election

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the legal votes cast are in favor of an initiated ordinance, it shall thereupon be effective as an ordinance of the City. An ordinance thus adopted may not be repealed or amended until after the expiration of two (2) years and then only by a vote of four-fifths (4/5) of the Council Members qualified and serving. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be thereby repealed. A rejected ordinance may not be re-enacted until after the expiration of two (2) years and then only by a vote of four-fifths (4/5) of the Council Members qualified and serving.

SECTION 6.07 Power of Recall

The people of the City reserve the power to recall any elected officer of the City and may exercise the power by filing with the City Secretary a petition signed by qualified voters of the City equal in number to at least ten percent (10%) of all qualified voters of the City, demanding the removal of the elected officer. The petition shall be signed and verified as required for an initiative petition.

SECTION 6.08 Recall Election

The provisions regulating examination, certification, and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the City Secretary to be sufficient, the Council shall order and hold a special election to determine whether the officer shall be recalled.

SECTION 6.09 Results of Recall Election

If the majority of the votes cast at a recall election are for the recall of the officer named on the ballot, the Council shall immediately declare the office vacant and call a special election to fill the vacancy.

SECTION 6.10 Limitation on Recall

No recall petition shall be filed against an elected officer within six (6) months after taking office, and no officer shall be subjected to more than one (1) recall election during the term of office.

SECTION 6.11 Failure of City Council to Call an Election

In the event all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said Council by the provisions of this Charter with reference to such recall, then the County Judge of Williamson County, Texas shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the Council.

ARTICLE VII PLANNING AND ZONING

SECTION 7.01 Continuation of Zoning Ordinance

The adoption of this Charter shall not abolish or change the zoning ordinance in effect at the time of its adoption.

SECTION 7.02 Power to Zone

The Council shall have the power to zone the City after recommendation of the Planning and Zoning Commission, and shall enact necessary implementing legislation as authorized by law and after all public hearings required by law.

SECTION 7.03 Planning and Zoning Commission: Composition and Rules

There shall be a Planning Commission which shall also serve as a Zoning Commission and which shall be known as the Planning and Zoning Commission. The Planning and Zoning Commission shall consist of no fewer than five (5) or more than seven (7) residents of the City who own real property within the City. The members of the Commission shall be appointed by

the Council for a term of two (2) years, or until their successors are appointed and qualified. Vacancies on the Commission shall be filled for the unexpired term by the Council. The Commission shall elect a chairperson, vice-chairperson and a secretary from among its appointed members. Four (4) Commission members shall constitute a quorum and a minimum of four (4) affirmative votes shall be required to take official action for the transaction of business. Each Commission member shall be at least eighteen (18) years of age, a registered voter of the City and have resided within the City for twelve (12) consecutive months before being appointed.

Amended May 12, 2012.

SECTION 7.04 Planning and Zoning Commission: Powers and Duties

The Planning and Zoning Commission shall:

- (a) Exercise authority over platting and subdividing of land within and outside the corporate limits of the City as authorized by law;
- (b) Recommend to the Council approval or disapproval of proposed changes in the City's Zoning Ordinance and Plan;
- (c) Recommend to the Council plans for the physical development of the City; and
- (d) Perform all other functions of the Planning and Zoning Commission under the laws of the State of Texas.

SECTION 7.05 Zoning Board of Adjustment: Composition and Rules

There shall be a Zoning Board of Adjustment which shall consist of seven (7) members and not more than four (4) alternates. All shall be residents of the City and shall own real property within the City. The members and alternates of the Board shall be appointed by the Council for two (2) years, or until their successors are appointed and qualified. Vacancies on the Board shall be filled for the unexpired term by the Council. The Board shall elect a chairperson, vice-chairperson, and secretary from among its appointed members and adopt its own rules of procedure consistent with due process of law and in accordance with the laws of the State of Texas. Seventy-five percent (75%) of the members of the Board shall constitute a quorum. Each member shall be at least eighteen (18) years of age, a registered voter of the City and have resided within the City for twelve (12) consecutive months before being appointed. Where required by law, a concurring vote of seventy-five percent (75%) of the members of the Board shall be necessary for action.

Amended May 9, 2015.

SECTION 7.06 Zoning Board of Adjustment: Powers and Duties

The Zoning Board of Adjustment shall have the powers and perform the duties prescribed by the laws of the State of Texas, including, but not limited to, the power to:

- (a) Grant special exceptions;
- (b) Grant variances; and
- (c) Hear and decide appeals from orders enforcing zoning laws.

ARTICLE VIII FINANCE ADMINISTRATION

SECTION 8.01 Finance Department

- (a) A Finance Department is established and shall be maintained to manage the finances of the City.
- (b) The Finance Department shall be directed by an experienced financial manager who shall be appointed Finance Director for an indefinite term by the City Manager after approval of the Council. The Finance Director may be removed from office by the City Manager after consultation with the Council.
- (c) The Finance Director shall have custody of all public moneys, funds, notes, bonds, and other securities belonging to the City. The Finance Director shall make payments out of the City funds upon order signed by City Officers as designated by the Council. The Finance Director shall make to the City Manager and the Council a full and accurate statement of receipts and payments, as directed by the City Manager. The Finance Director shall perform other duties as directed by ordinance or the City Manager.
- (d) The Finance Director shall be bonded for no less than one hundred thousand dollars (\$100,000.00) and the cost thereof shall be borne by the City.

SECTION 8.02 Fiscal Year

The Fiscal Year of the City shall begin October 1 and end the following September 30.

SECTION 8.03 Annual Budget

- (a) Scope:

The annual budget must specify appropriations for capital expenditures and for expenditures directed by the Council for the operation of City departments, offices, and agencies. It must comply with fund requirements of bond covenants.

- (b) Preparation:

City department heads and officers shall submit budget requests for the next fiscal year to and as directed by the City Manager for review and consolidation. The City Manager shall submit a proposed annual budget to the Council in sufficient time to permit the Council to review and revise it.

- (c) Adoption:

Before taxes are levied but after a minimum of two (2) public hearings the Council shall adopt the annual budget. The Council may amend the proposed budget, but shall not delete or decrease appropriations required for debt service, estimated cash deficit, or by law, and shall not authorize expenditures in excess of the total of estimated income plus funds available from earlier years.

(d) Failure to Adopt:

If the Council fails to adopt the annual budget before the start of the Fiscal Year to which it applies, appropriations of the last budget adopted shall be considered as adopted for the current fiscal year on a month-to-month, pro-rata basis until the next budget is adopted.

SECTION 8.04 Budget is a Public Record

All proposed and adopted budgets shall be treated as a public record.

SECTION 8.05 Transfer of Funds

During the Fiscal Year, the Council shall have the power to transfer, by resolution, in accordance with the laws of the State of Texas, funds within the budget, but only after a public hearing.

SECTION 8.06 Emergency Appropriations

The Council may make emergency appropriations at any time to meet a pressing need for public expenditures in order to protect the public health, safety, or welfare.

SECTION 8.07 Issuance of Bonds and Other Obligations of City

The City shall have the right and power to borrow money on the credit of the City for permanent public improvements or for other public purposes as determined by the Council, and the power to issue bonds, certificates of obligation, warrants, or other evidences of indebtedness of the City as authorized by the laws of the State of Texas. The total general obligation debt of the City shall never exceed ten percent (10%) of the net taxable value of property on the tax rolls of the City, and any issue of bonds in excess of said sum shall be void as to such excess. Notwithstanding any other provisions of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants or other evidences of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness shall require only one reading, shall become effective immediately, and shall not be subject to referendum. Nothing in this Section excuses compliance with **SECTION 8.08** of this Charter.

SECTION 8.08 Election to Authorize Bonds

Bonds payable from ad valorem taxes, other than refunding bonds, shall not be issued unless the bonds have been authorized by a majority vote at a City election held for that purpose as prescribed by the laws of the State of Texas.

SECTION 8.09 Lapse of Appropriations

Appropriations shall lapse at the close of the Fiscal Year if not spent or encumbered.

SECTION 8.10 Payment and Obligation

No payment shall be made nor obligation incurred unless it complies with a budget appropriation and unless the Finance Director first certifies that there is or will be enough unencumbered money in that account to meet the obligation when it is due.

SECTION 8.11 Financial Records and Reports

The Finance Director shall report to the Council each month the financial condition of the City. For each budget item, the monthly report will show the annual amount budgeted, the amount expended the preceding month, and the amount expended in the fiscal year to the report date. Financial records and reports of the City shall be prepared and maintained in accordance with general accepted accounting principles.

SECTION 8.12 Independent Audit

At the close of each Fiscal Year, and at other times as necessary, the Council shall have a certified public accountant conduct an independent audit of all accounts of the City. The certified public accountant shall have no direct or indirect personal interest in the financial affairs of the City or of its officers and in any event shall not perform the audit for more than five (5) consecutive years. A summary of the results of the completed audit shall be on file in the City Secretary's office as a public record.

Amended May 8, 2010.

SECTION 8.13 Purchases and Contracts

The City shall make purchases and execute contracts only in accordance with the Constitution and laws of the State of Texas.

SECTION 8.14 Contingent Appropriation

Provisions shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in any amount no more than three percent (3%) of the total budget, to be used in case of unforeseen items of expenditure. Such expenditure shall be under the control of the City Manager. A detailed account of such expenditures shall be recorded and reported with the City Secretary with a copy to Council.

Amended May 12, 2012.

ARTICLE IX TAX ADMINISTRATION

SECTION 9.01 Power to Tax

The Council shall have the power, within the limits of the Constitution and the laws of the State of Texas, to levy and collect annual taxes on property with a situs in the City.

- (a) The Council shall cooperate with and advise the Williamson County Appraisal District and the Travis County Appraisal District on all appraisals and assessments of all properties, real, personal, or mixed, having situs within the City of Cedar Park as of the first day of January of each year.
- (b) The Council or the property owner shall have the right as prescribed by law to contest the assessed values on all parcels before the Appraisal Review board.
- (c) The Council shall have the power to levy the tax rate per one hundred dollars (\$100.00) taxable value, as certified by the Williamson County Appraisal District and the Travis County Appraisal District and the respective Appraisal Review Boards, after meeting all requirements of the 'Truth in Taxation' laws of the State of Texas.

Amended May 12, 2012.

SECTION 9.02 Tax Collection

The Director of Finance shall:

- (a) Collect all taxes and special assessments due to the City;
- (b) Preserve the tax records in the City's Finance Department, such records shall be accessible to the public as provided by law; and
- (c) Perform all other duties as directed by ordinance or the City Manager.

Amended May 9, 2015.

SECTION 9.03 Assessment Procedure

The assessment procedure shall be as prescribed by the Williamson County Appraisal District and the Travis County Appraisal District.

Amended May 12, 2012.

SECTION 9.04 Tax Levy

The Council, as soon as practicable after certification of assessment rolls but not later than October 1 of each year, shall enact the annual tax levy ordinance. The Tax Collector shall then have tax statements mailed to each person, partnership, association, corporation, and other legal entity named on the tax rolls. If the Council fails to enact the annual tax levy ordinance for a

particular year within such year, the tax levy ordinance last enacted shall remain in effect until the next tax levy ordinance is enacted. Failure of the Council to enact a tax levy ordinance for a particular year shall not invalidate the collection of taxes for that year.

SECTION 9.05 Payment of Taxes

- (a) Taxes due to the City shall be payable at the Office of the Tax Collector or elsewhere as directed by the Council and may be paid at any time after enactment of the tax levy ordinance. Taxes not paid by the close of business on January 31st of the following year shall be delinquent, and shall be placed on a delinquent tax roll, and shall be subject to penalty and interest as directed by ordinance. Failure to assess or levy taxes by error or omission in preparation of the approved tax roll shall not relieve the omitted property owner of obligation to pay current or past due taxes.
- (b) Taxes for prior years listed on the current supplemental assessment roll shall be due on receipt of the supplemental bill and become delinquent if not paid by the delinquency date prescribed in **SECTION 9.05 (a)** or before the first day of the next month after the date of mailing that will provide at least twenty one (21) days for payment of the tax, whichever is later.

SECTION 9.06 Tax Liens and Liabilities

Property having a situs in the City on January 1 of each year shall stand charged with a special lien in favor of the City until the tax on that property is paid. City tax liens shall be superior to all other liens except other tax liens, regardless of when the other non-tax liens were created. Purchasers of property within the City shall take the property subject to tax liens, in addition to other liens against the property. The owner of property subject to taxation by the City shall be personally liable for the taxes until they are paid. The City shall have the power to sue for and recover personal judgments for taxes without foreclosure, or to foreclose its lien(s), or to recover both by personal judgment and foreclosure. If, in tax litigation, the description of property in the City assessment rolls is insufficient to identify particular property, the City shall have the right to plead a good description of the property, to prove the same, and to have its judgment foreclosing the tax lien or personal judgment or both, against the owners for taxes.

SECTION 9.07 Counterclaim of Tax Arrears and Debt of City

If a property owner to whom the City owes a debt is in arrears in payment of City taxes, the City may reduce the debt by an amount equal to the unpaid taxes. This right of setoff and counterclaim for taxes and arrears shall apply to any debt, claim, demand, or account owned by the City. No assignment or transfer, after taxes are due, of a debt or any other claim shall affect the right of the City to setoff taxes against the debt or other claim.

SECTION 9.08 Conflicts

- (a) In the event procedures regarding tax administration established by statutes or the Constitution of the State of Texas conflict with any one or more of the preceding sections, the City will comply with such State-prescribed procedures.
- (b) Where no conflict exists, the procedures set forth herein will be followed by the City.

ARTICLE X FRANCHISES AND PUBLIC UTILITIES

SECTION 10.01 Limits on Transfer of Use of Public Property

Unless otherwise provided by state law, no right of control or use of public property of the City may be transferred except by resolution. No act or omission of the Council or officer or agent of the City may be construed to grant, renew, extend, or amend, in any way, any right, franchise, or easement affecting public property of the City except as provided by this Charter.

Amended May 9, 2015.

SECTION 10.02 Power to Grant Franchises

The Council shall have the power by ordinance to grant, renew and extend franchises of public utilities operating in the City. With consent of the franchise holder, the Council may by ordinance amend franchises of public utilities, but no franchise may be granted for an indefinite term and no franchise may be granted for a term of more than twenty (20) years.

SECTION 10.03 Procedure to Enact Franchise Ordinances

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three (3) regular Council meetings and shall not be finally acted upon until thirty (30) days after the first reading. Within ten (10) days after the first reading of the ordinance, its full text shall be published in the official newspaper of the City, and the cost of publication shall be paid by the prospective franchise holder.

SECTION 10.04 Limit on Transfer of Franchise

No public or private utility franchise may be transferred or assigned by its owner except with the approval of the Council expressed by ordinance.

SECTION 10.05 Regulation of Franchises

Grants, renewals, extensions, and amendments of public utility franchises, whether or not provided in the ordinance granting the franchise, shall be subject to the right of the Council:

- (a) To forfeit the franchise by ordinance for failure of the holder to comply with the terms of the franchise. This right may be exercised only after written notice to the franchise holder stating how the holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of the failure. Forfeiture may occur only after a hearing and after expiration of a reasonable time for correction.
- (b) To impose reasonable regulations to insure safe, efficient, and continuous service to the public.
- (c) To require expansion, extension, enlargement, and improvement of plant and facilities as necessary to provide adequate service to the public.
- (d) To require franchise holders to furnish the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchise holder in, over, or under the City; and to regulate and control the location, relocation, and removal of the facilities.
- (e) To collect from public utilities operating in the City a proportionate part of the increased cost of City operations and services attributable to the occupancy by or use of public property by the public utility; to collect a proportionate part of the cost of City operations and services required as a result of damage to or disturbance of public property caused by the public utility; and to compel the public utility to perform at its own expense repairs or other operations made necessary by the occupancy or use of, or damage to or disturbance of, public or private property by the public utility.
- (f) To require one franchise holder to allow other holders to use its facilities, if the Council considers that joint use to be in the public interest. In the event of joint use, reasonable terms of use may be imposed by and a reasonable rental shall be paid to the owner for the use of the facility. The inability of franchise holders to agree on terms and rentals for the use of each other's facilities shall not be an excuse for failure to comply with a joint use requirement by the Council.
- (g) To require franchise holders to keep records which accurately reflect the value of the franchise holder's property used and other property useful in rendering its service to the public and which reflect the franchise holder's expenses, receipts, and profits of all kinds.
- (h) To examine and audit at any time during business hours the accounts and other records of the franchise holder.
- (i) To require reports on the operations of the utility in the form, and containing information, that the Council directs.

SECTION 10.06 Grant not to be Exclusive

No grant or franchise to construct, maintain, or operate a public utility and/or renewal or extension of such grant shall be exclusive.

SECTION 10.07 Regulation of Rates

Subject to the laws of the State of Texas, the Council shall have the power after reasonable notice and hearing to regulate by ordinance the rates, charges and fares of public utilities operating in the City.

ARTICLE XI GENERAL PROVISIONS

SECTION 11.01 Oath of Office

All officers of the City shall, before entering upon the duties of their respective office, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the City Secretary or other person authorized by law to administer oaths.

Amended May 9, 2015.

SECTION 11.02 Public Records

All public records of every office, department, or agency of the City shall be open to inspection by the public at all reasonable times, provided that records closed to the public by State law shall not be considered public records for the purpose of this section. During normal office hours, any person shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the Council or by this Charter.

SECTION 11.03 Official Newspaper

The Council shall contract annually with, and by resolution designate, a public newspaper of general circulation in the City as the official newspaper of the City, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the City, or by the Constitution and/or laws of the State of Texas to be published.

SECTION 11.04 Nepotism

No person related, within the second degree by affinity or within the third degree by consanguinity, as defined by the Texas Local Government Code as amended, to an elected City Official or the City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least one (1) year prior to and at the time of the election or appointment of the officer related in the prohibited degree.

Amended May 8, 2010.

SECTION 11.05 Personal Financial Interest

No member of the Council or employee of the City shall have a substantial financial interest, as defined by the Texas Local Government Code as amended, either directly or indirectly in any business entity doing business with the City, contracts with the City, sale of land or any interest in land to the City, or sale of any supplies or services to the City. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved provided

such stock ownership amounts to less than ten percent (10%) of the corporation stock or as falls within the scope of Chapter 171 of the Texas Local Government Code as now or hereafter amended. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. If any corporation or person contracting with the City has knowledge, expressed or implied, that an employee or officer of the City has violated or attempted to violate this Section, and such person or corporation fails to report such violation, the contract(s) such person or corporation has with the City shall be subject to cancellation by the City Manager or the Council.

Amended May 8, 2010.

SECTION 11.06 Assignment, Execution and Garnishment

The real and personal property belonging to the City shall not be liable to be sold or appropriated under any writ, execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

SECTION 11.07 Power to Settle Claims

The Council shall have the authority to compromise and settle any and all claims and all suits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

SECTION 11.08 Prohibitions

(a) Activities Prohibited:

- (1) In appointments to and removal from any City office of employment, no persons shall be favored or discriminated against because of race, sex, political or religious opinions or religious affiliations, age or handicap conditions.
- (2) No person who seeks appointment or promotion with respect to any City compensated position or appointive City administrative compensated office shall directly or indirectly give, render, or pay any money, service or other valuable thing to any person for or in connection with his appointment, proposed appointment, promotion or proposed promotion.
- (3) No City officer or employee, elected or appointed, shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political purpose whatever from any subordinate City official or employee holding any compensated City position.
- (4) No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.

(b) Penalties:

Any person who by himself or with others violates any of the provisions of Paragraph (1) through (4) of the preceding Subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.000). Any person convicted under this Section shall be ineligible for a period of five (5) years thereafter to hold any City office or position, and if an officer or employee of the City, shall immediately forfeit his office or position.

SECTION 11.09 Conflicts of Interest Prohibited

(a) General:

During the term of office or employment, no employee or elected or appointed officer of the City may act in any way which places or tends to place personal interest in conflict with the interest of the City.

(b) Affidavit:

If a local public official or a person related to that official in the first or second degree by either affinity or consanguinity, as defined by the Texas Local Government Code as amended, has a substantial financial interest, also as defined by the Texas Local Government Code as amended, in a business entity that would benefit by any official action taken by the governing body, the local public official, before a vote or decision on the matter, shall file an affidavit with the City Secretary stating the nature and extent of the interest and shall abstain from any discussion, voting, or further participation in the matter.

(c) Prohibited Acts:

No employee or elected or appointed officer of the City may:

- (1) Accept directly or indirectly a gift, favor, privilege, or employment from a person or business entity that does business with the City or that enjoys a franchise, privilege, license, or easement from the City, except as authorized by ordinance.
- (2) Have a pecuniary interest, directly or indirectly, in a contract with or job, work, or service for the City; have an interest, directly or indirectly, in the sale of land, tangibles, or intangibles to the City.
- (3) Serve as surety for the performance of a person doing business with the City nor serve as surety for a City officer or employee required by this Charter to make a surety bond.

(d) Exceptions:

- (1) The governing body of a governmental entity may contract for the purchase of services or personal property with a business entity in which a member of the governing body has a substantial interest if the business entity is the only business entity that provides the

needed service or product within the jurisdiction of the governmental entity and is the only business entity that bids on the contract.

- (2) The governing body must take a separate vote on any budget item specifically dedicated to a contract with an entity in which a member of the governing body has a substantial interest and the affected member must abstain from that separate vote. The member who has complied in abstaining in such vote, under procedures set forth in **SECTION 11.09 (b)** of this Charter, may vote on a final budget only after the matter in which he is concerned has been resolved.

(e) Penalties:

- (1) Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position, and if an officer or employee of the City shall immediately forfeit his office or position.
- (2) A contract in which an employee or elected or appointed officer of the City has or acquires an interest may be declared void by the Council.

Amended May 8, 2010.

SECTION 11.10 Public Library

The City shall have the authority to maintain a public library within the City. The Council may cooperate with any person, firm, or corporation, or any other governmental entity under such terms as the Council shall prescribe for the maintenance of such public library.

SECTION 11.11 Severability

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

SECTION 11.12 Charter Amendment

This Charter may be amended in accordance with the laws of the State of Texas.

SECTION 11.13 Charter Review

- (a) Seven (7) years after a Charter Review Committee has reviewed the Charter, the Council shall appoint, at its first regular meeting in June, a Charter Review Committee of seven (7) residents of the City. The term of office of the Charter Review Committee shall be six (6) months unless extended by the Council. The Mayor and each Council member shall appoint one (1) member to serve on the Charter Review Committee.

- (b) Powers and Duties of Charter Review Committee. The Charter Review Committee shall:

- (1) Inquire into the operations of the City government and review this Charter to determine whether the Charter needs revision. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and to require the submission of the City records necessary to the inquiry and review.
- (2) Propose to the Council recommendations, if necessary, to insure that the City government and its operations comply with this Charter.
- (3) Propose to the Council recommendations, if necessary, to improve the effectiveness of this Charter.
- (4) Make a written report of its findings and recommendations to the Council.
- (5) Present to the Council proposed Charter amendments if any are considered necessary.
- (6) Meet at least once every two (2) months during its term.

Amended May 12, 2012.

SECTION 11.14 Pending Matters and Preservation of Rights

All rights, claims, actions, orders, ordinances, contracts, and legal or administrative proceedings existing before the adoption of this Charter shall continue except as modified by this Charter and shall be maintained, carried on, or dealt with by the City department, office, or agency appropriate under this Charter.

SECTION 11.15 Transfer of Powers, Duties, Property, and Records

(a) Departments and Agencies:

If a City department or agency is abolished by this Charter, the powers and duties of that department or agency shall be transferred to the City department, office, or agency designated in this Charter or, if the Charter makes no provision, transfer shall be designated by the Council.

(b) Property and Records:

Property, records, and equipment of the City departments, offices, or agencies existing when this Charter is adopted shall be transferred to the departments, offices, or agencies assuming the respective power and duties. If the powers or duties are discontinued or are divided among units or if a conflict arises concerning the transfer, the property, records, and equipment shall be transferred to departments, offices, or agencies designated by the Council.

SECTION 11.16 Interim Government

Deleted May 9, 2015.

SECTION 11.17 Construction of Charter

This Charter shall be construed as a general grant of power and as a limitation of power on the government of the City in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by the Charter, each and every power under the Constitution of Texas, which would be competent for the people of the City to expressly grant to the City, shall be construed to be granted to the City by this Charter.

SECTION 11.18 Submission of Charter to Voters

Deleted May 8, 2010.

The Charter was originally adopted by the voters of the City at an election held on January 17, 1987, and amended May 8, 2010, May 12, 2012, and May 9, 2015.